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SECTION 14. (a) Sections 751.052, 751.054(a), and 751.055(a), Estates Code, as amended by this Act, and Chapter 753, Estates Code, as added by this Act, apply to a durable power of attorney, including a statutory durable power of attorney, executed before, on, or after the effective date of this Act.

(b) Section 752.051, Estates Code, as amended by this Act, applies to a statutory durable power of attorney executed on or after the effective date of this Act. A statutory durable power of attorney executed before the effective date of this Act is governed by the law as it existed on the date the statutory durable power of attorney was executed, and the former law is continued in effect for that purpose.

(c) Section 1055.003, Estates Code, as amended by this Act, applies to a guardianship proceeding that is pending or commenced on or after the effective date of this Act.

(d) Section 1101.002, Estates Code, as amended by this Act, applies to an application for a guardianship filed on or after the effective date of this Act.

(e) Sections 1357.052 and 1357.053(b), Estates Code, as amended by this Act, and Section 1357.0525, Estates Code, as added by this Act, apply to a supported decision-making agreement entered into before, on, or after the effective date of this Act.

(f) Section 1357.056(a), Estates Code, as amended by this Act, applies to a supported decision-making agreement entered into on or after the effective date of this Act. A supported decision-making agreement entered into before the effective date of this Act is governed by the law as it existed on the date the supported decision-making agreement was entered into, and the former law is continued in effect for that purpose.

SECTION 15. This Act takes effect September 1, 2017.

Passed the Senate on April 5, 2017: Yeas 30, Nays 0; the Senate concurred in House amendment on May 25, 2017: Yeas 31, Nays 0; passed the House, with amendment, on May 22, 2017: Yeas 144, Nays 0, two present not voting.

Approved June 9, 2017.

Effective September 1, 2017.

BOND REQUIRED AND THE BOND INSURANCE OBTAINED FOR CERTAIN JUDGES

CHAPTER 515

S.B. No. 40

AN ACT

relating to the bond required and the bond insurance obtained for certain judges.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 25.0006, Government Code, is amended by amending Subsection (a) and adding Subsections (a-1), (a-2), (a-3), and (a-4) to read as follows:

(a) *Notwithstanding any other law except Subsection (a-4), Subsections (a-1), (a-2), and (a-3) control over a specific provision for a particular court or county that attempts to create a requirement for a bond or insurance that conflicts with those subsections.*

(a-1) *Before beginning the duties of the office, the [The] judge of a statutory county court must execute a bond that:*

(1) *is payable to the treasurer of the county;*

(2) *is in the amount set by the commissioners court of:*

(A) *subject to Paragraph (B), not less than \$1,000 nor more than \$10,000; or*

(B) for a judge presiding in the court over guardianship proceedings, as defined by Section 1002.015, Estates Code, or over probate proceedings, as defined by Section 22.029, Estates Code, not less than:

(i) \$100,000 for a court in a county with a population of 125,000 or less; or

(ii) \$250,000 for a court in a county with a population of more than 125,000; and

(3) is conditioned that the judge will:

(A) faithfully perform all duties of office; and

(B) for a judge presiding in the court over guardianship or probate proceedings, perform the duties required by the Estates Code ~~[as prescribed by law for county judges]~~.

(a-2) The bond executed as required by Subsection (a-1) must be approved by the commissioners court.

(a-3) In lieu of the bond required by Subsection (a-1)(2)(B), a county may elect to obtain insurance against losses caused by the gross negligence of a judge of a statutory county court in performing the duties of office. The commissioners court of a county shall pay the premium for the insurance out of the general funds of the county.

(a-4) This section does not apply to:

(1) a judge of a statutory county court who does not preside over guardianship proceedings, as defined by Section 1002.015, Estates Code;

(2) a judge of a statutory probate court who executes a bond, obtains insurance, or self-insures pursuant to Section 25.00231; or

(3) a judge who presides over a county criminal court.

SECTION 2. Section 26.001, Government Code, is amended to read as follows:

Sec. 26.001. BOND. (a) Before ~~beginning~~ ~~[entering]~~ the duties of the office, the county judge must execute a bond that:

(1) is payable to the treasurer of the county;

(2) is in the amount set by the commissioners court of:

(A) subject to Paragraph (B), not less than \$1,000 nor more than \$10,000; or

(B) for a county judge presiding in the county court over guardianship proceedings, as defined by Section 1002.015, Estates Code, or over probate proceedings, as defined by Section 22.029, Estates Code, not less than:

(i) \$100,000 for a court in a county with a population of 125,000 or less; or

(ii) \$250,000 for a court in a county with a population of more than 125,000; and

(3) is conditioned that the judge will:

(A) faithfully perform all duties of office ~~[pay all money that comes into his hands as county judge to the person or officer entitled to it]; and~~

(B) for a county judge presiding in the county court over guardianship or probate proceedings, perform the duties required by the Estates Code ~~[pay to the county all money illegally paid to the judge out of county funds; and~~

~~[(C) not vote or consent to pay out county funds for other than lawful purposes].~~

(b) The bond executed as required by Subsection (a) must be approved by the commissioners court.

(c) In lieu of the bond required by Subsection (a)(2)(B), a county may elect to obtain insurance against losses caused by the gross negligence of a county judge in performing the duties of office. The commissioners court of a county shall pay the premium for the insurance out of the general funds of the county.

SECTION 3. A judge of a statutory county court, a statutory probate court, or a

constitutional county court who is serving on the effective date of this Act shall comply with the requirements of Section 25.0006 or 26.001, Government Code, as amended by this Act, as applicable, not later than November 1, 2017.

SECTION 4. This Act takes effect September 1, 2017.

Passed the Senate on March 14, 2017: Yeas 31, Nays 0; passed the House on May 24, 2017: Yeas 146, Nays 0, two present not voting.

Approved June 9, 2017.

Effective September 1, 2017.

**JUDICIAL BRANCH CERTIFICATION COMMISSION;
AUTHORIZING FEES; PROVIDING PENALTIES**

CHAPTER 516

S.B. No. 43

AN ACT

relating to the Judicial Branch Certification Commission; authorizing fees; providing penalties.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 57.002(b-1), Government Code, is amended to read as follows:

(b-1) A licensed court interpreter appointed by a court under Subsection (a) or (b) must hold a license that includes the appropriate designation under Section 157.101(d) [57.043(d)] that indicates the interpreter is permitted to interpret in that court.

SECTION 2. Section 151.001(7), Government Code, is amended to read as follows:

(7) "Regulated person" means a person, *firm, or other business entity*, who holds a certification, registration, or license issued by the commission.

SECTION 3. Sections 152.053(b), (c), and (d), Government Code, are amended to read as follows:

(b) A person is not eligible for appointment as a member of the commission, *or as a member of an advisory board or committee that serves the commission*, if the person or the person's spouse:

(1) is employed by or participates in the management of a business entity or other organization receiving funds from the commission;

(2) owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other organization receiving funds from the commission; or

(3) uses or receives a substantial amount of tangible goods, services, or funds from the commission, other than compensation or reimbursement authorized by law for commission membership, attendance, or expenses.

(c) A person may not serve as a member of the commission, *or as a member of an advisory board or committee that serves the commission*, or act as the general counsel to the commission if the person is required to register as a lobbyist under Chapter 305 because of the person's activities for compensation on behalf of a profession related to the operation of the commission.

(d) A person may not be a member of the commission, *a member of an advisory board or committee that serves the commission*, or ~~[and may not be]~~ a commission employee employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.), if:

(1) the person is an officer, employee, or paid consultant of a Texas trade association in the legal profession; or